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60246-145  
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### REMARKS

Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. The Examiner states that the limitations with respect to the a first fluid and a second fluid and exchanging heat between the fluids are only discussed with respect to condensing furnace systems in general in paragraphs 2 and 17-18, and the remainder of the specification indicates that the "heat transfer component" of the instant invention does not comprise first and second fluids but only comprises metal/adhesive/film laminate. Applicant respectfully disagrees.

The subject matter of the claims was described in the specification to convey to one skilled in the art that the inventor had possession of the claimed invention. Paragraphs 17 and 18 introduce a heat transfer component and states that "heat is transferred from the water vapor to the air to be heated." Air and water vapor are two fluids. Although a condensing furnace system is discussed generally in these paragraphs, these paragraphs clearly disclose that a heat transfer component is used in a condensing furnace system, and therefore these paragraphs support Applicant's claims of a heat transfer component. Additionally, one skilled in the art would understand that a heat transfer component transfers heat from one medium to another medium.

The Examiner also states that the "method of adhering" clearly does not include the added steps of flowing a first fluid into a heat transfer component and exchanging heat between the first fluid and the second fluid flowing around the heat transfer component. Applicant respectfully disagrees. This recitation is clearly supported in the specification. In paragraph 18 and Figure 2, combustion products or flue gases flow through a flow passage and air flows between the cells. This recitation is clearly described in the specification to convey to one skilled in the art that the inventors had possession of the claimed invention as required under 35 USC 112, first paragraph. The rejection is improper.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the instant invention fails to describe the "heat transfer component" and the "method of adhering a film" as including a first or second fluid or the step of

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exchanging heat therebetween, and one skilled in the art would not be reasonably apprised of the scope of the claimed invention to be able to interpret the metes and bounds of the claims to understand infringement. Applicant respectfully disagrees.

One skilled in the art would understand the meets and the bounds of the claims and would understand that a method of adhering a film to a heat transfer component would form a heat exchanger that is used to exchange heat between two fluids. Also, one skilled in the art would understand that a heat transfer component exchanges heat between two fluids. As known, heat transfer components exchange heat between a first fluid and a second fluid, and one skilled in the art would understand the scope of the claims. The rejection is improper.

Claims 1, 3-7, 9-12, 15-17, 19-21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergstrom. Bergstrom does not disclose a heat transfer component that exchanges heat between a first fluid and a second fluid as claimed. Bergstrom teaches a plastic coated steel tube, and a layer of plastic is adhered to the tube by an adhesive. The tube is used to transport natural gas. The Examiner states that the steel tube is a heat transfer component, and the first fluid and the second fluid constitute an intended use of the heat transfer component. Bergstrom does not disclose that the tube is used to exchange heat between two fluids. The tube only transports a fluid. Nothing in Bergstrom indicates that the tube is a heat exchanger. The claimed invention is not anticipated, and Applicant requests that the rejection be withdrawn.

Claims 2, 8 and 13-14 stand rejected under 35 USC 103(a) as being obvious over Bergstrom. Bergstrom does not teach, suggest or disclose that the tube is used to exchange heat between two fluids as claimed. Therefore, there is no suggestion in Bergstrom to use the tube to exchange heat between two fluids as claimed. The tube only transports natural gas. Additionally, claims 2, 8 and 13-14 depend on patentable independent claims 1 and 10 and are allowable for the reasons set forth above. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1-25 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

FROM : BUTCHKO

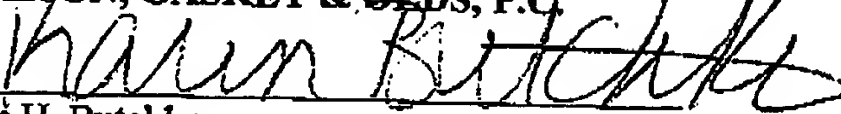
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Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

Birmingham, Michigan 48009

(248) 988-8360

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on July 23, 2005.



Karin Butchko